



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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June 21, 2013

Via Email (Furman_NYSDChambers@nysd.uscourts)

The Honorable Jesse Furman
United States District Court
Southern District of New York
40 Foley Square, Room 2202
New York, New York 10007

USDC SDNY
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Re: Securities & Exchange Commission v. Bethancourt et al., 13 CV 3074
(S.D.N.Y.) (JMF)

Dear Judge Furman:

I am the principal trial counsel representing plaintiff Securities and Exchange Commission (the “SEC”) in the litigation referenced above. I write this letter on behalf of the plaintiff as well as certain defendants to request an adjournment of the initial prehearing conference scheduled for July 11, 2013, and the associated submissions and disclosures required by Fed.R. Civ. Proc. 26 (“Rule 26”) and pursuant to the Court’s May 17, 2013 Scheduling Order (the “May 17 Order”).

Defendants Jose Alejandro Hurtado (“Hurtado”), Tomas Clarke (“Clarke”), and Haydee Leticia Pabon (“Pabon”) have been served, and they have all retained counsel. Service on Defendant Iuri Rodolfo Bethancourt, who is a Panamanian resident, and Ernesto Lujan (“Lujan”), who was just named in the June 12, 2013 Amended Complaint, have not yet been perfected. Hurtado and Clarke have obtained an order of continuance to adjourn the preliminary hearing dates in the criminal action against them by thirty days. Lujan, at his initial presentment, waived the preliminary hearing deadline to the thirtieth day. Furthermore, Defendants Hurtado and Lujan are currently being held in custody in connection with the parallel criminal actions, entitled *United States v. Clarke*, et al., 13 Mag. 683 (S.D.N.Y.), and *United States v. Ernesto Lujan*, 13 Mag 1501 (S.D.N.Y.).

Consequently, the parties believe that additional time is needed in order to have productive discussions regarding a case management plan, as contemplated by Section I of the Complex Civil Case Standing Order, as well as by Rule 26 and the May 17 Order. Furthermore, we have been advised by the United States Attorneys Office, SDNY, that they intend to move expeditiously for a stay of discovery in this civil action. Finally, the undersigned will be away on a long-scheduled vacation through the second week of July.

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For these reasons, and based on discussions with opposing counsel regarding their schedules, the SEC respectfully requests that the July 11, 2013 prehearing conference be rescheduled for some time during the week of August 12, or as soon thereafter as the Court finds convenient, in order for all parties to be served and retain counsel, have meaningful and productive discussions regarding a case management plan, and for any determination as to the scope of discovery in light of the anticipated motion to stay discovery to be made.

No previous requests for an adjournment have been made. Counsel for Defendants Hurtado, Pabon and Clarke have consented to this request.

Respectfully submitted,

Howard A. Fischer
Senior Trial Counsel

cc: Counsel for Defendants Hurtado, Pabon and Clarke (via email)

Application GRANTED. The pretrial conference is rescheduled for August 14, 2013, at 3:45 pm in Courtroom 1105 of the Thurgood Marshall Courthouse, 40 Centre Street, New York, NY 10007.

SO ORDERED.



June 24, 2013